

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

SHEFFIELD GROVES,

Petitioner,

v.

Case No. 11-C-175

MICHAEL THURMER,

Respondent.

ORDER

Sheffield Groves, Sr. filed a petition pursuant to 28 U.S.C. § 2254, asserting that his state court conviction and sentence were imposed in violation of the Constitution. This Court dismissed the petition under Rule 4 of the Rules Governing Section 2254 Cases. Petitioner subsequently filed a motion seeking reconsideration. He asserts that his petition did not merit summary dismissal and claims that this Court should have ordered a response. His principal focus is a reiteration of his argument that because the jury did not convict him of firearms possession charges they could not convict him of first degree intentional homicide while armed. He asserts that being armed is an element of the crime that must be proved beyond a reasonable doubt. But this does not address the fact that he was charged as party to a crime. As my dismissal order indicated, a jury could have found him guilty of homicide, as party to the crime, without necessarily finding that he was the one who pulled the trigger. I thus find no basis to reconsider my dismissal of the petition. The motion for relief is therefore **DENIED**.

SO ORDERED this 18th day of July, 2011.

s/ William C. Griesbach
William C. Griesbach
United States District Judge